

four terms and BOB BENNETT, BYRON DORGAN, RUSS FEINGOLD, and JUDD GREGG, who have each served three terms in this Chamber.

When the 112th Congress convenes in January, the ranks of women Senators will be reduced by one. In fact, the 112th Congress will be the first Congress in recent memory in which the total number of women Senators will actually decline. And with the departure of our colleague, Roland Burris, there will not be a single African-American Senator when the new Congress convenes.

In January we will feel the loss of the great pitching ace, JIM BUNNING, and EVAN BAYH, both respected colleagues on the Energy and Natural Resources Committee. They are among six of my Energy Committee colleagues who are leaving the Senate this year.

JUDD GREGG, one of our Nation's foremost experts on the Federal budget leaves us at the end of the year. As this Senate comes to grips with the challenges of a rising deficit and economic stagnation we will miss his firm hand and thoughtful guidance. My neighbor in the Hart Senate Office Building, ARLEN SPECTER, is one of the Senate's most independent voices and perhaps the best friend that the National Institutes of Health, and every American who benefits from its cutting edge research, has ever had on Capitol Hill. BOB BENNETT, one of the most thoughtful among us, who draws wisdom from experience as an entrepreneur as well as in public service, will not be among us. I learned much from Senator BENNETT during the period that he served as counselor to the Republican leader and I served as vice chair of the Senate Republican Conference.

I would also like to acknowledge contributions of KIT BOND, one of the foremost experts on our Nation's transportation and infrastructure needs. I appreciate Senator BOND's interest in understanding the unique transportation and infrastructure challenges that we in Alaska, the largest State in our Union in terms of land mass and one of the youngest must contend with. Senator BOND, like all of us, wears many hats in this institution. He has also earned the undying respect of our Nation's citizen soldiers through his leadership of the Senate National Guard Caucus.

One of CHRIS DODD's legacies to the Nation is legislation to ensure that the unique needs of children are addressed in our Nation's response to catastrophic disasters. I was honored to partner with Senator DODD in helping to pass this legislation.

RUSS FEINGOLD may have earned his place in history for his work on campaign finance reform but I will also appreciate him for his efforts to ensure that members of the National Guard and Reserve do not fall through the cracks when they return home with battlefield injuries. Senator FEINGOLD and I teamed on the Wounded Warrior Transition Act, a portion of which was

included in the National Defense Authorization Act for Fiscal Year 2010. I will continue to pursue the remaining provisions in the new Congress.

SAM BROWNBACK has forever earned a place in the heart of our first Americans for his work on the adoption of a joint resolution apologizing to American Indians and Alaska Natives for centuries of ill conceived policies carried out by our Federal Government. He is known around the world as a champion of religious freedom as well.

GEORGE VOINOVICH came to the Senate after a distinguished career that included service as Governor of the State of Ohio and mayor of the city of Cleveland. He has made a substantial contribution to the efficient operation of our federal government as a leader of the Homeland Security and Governmental Affairs Committee. I appreciate his support of the effort that Senator AKAKA and I advanced, along with others, to make locality pay available to Federal employees in Alaska and Hawaii through the Non-Foreign Act of 2009.

I would like to say a few words about my friend BYRON DORGAN. In 2007, following the sudden and unexpected death of our friend and colleague Craig Thomas, I was elevated to vice chair of the Senate Committee on Indian Affairs. Senator DORGAN was the chairman of that committee. Last week both of us had the honor of addressing the National Congress of American Indians at one of the meetings that preceded President Obama's tribal summit. Each of us reflected on that fact that the committee has highly productive during the period we shared the gavel. During our time together the committee laid the groundwork for reauthorization of the Indian Health Care Improvement Act, more than a decade in the making. We reauthorized the Native American Housing Assistance and Self Determination Act, we pursued a settlement of the Cobell litigation, and we crafted and introduced the Tribal Law and Order Act, which President Obama signed into law earlier this year. Senator DORGAN has consistently championed adequate funding for the Indian Health Service and he has come to the floor on many occasions to speak to the unacceptable rates of suicide among Native youth. I am pleased to know that he will continue this work after he leaves the Senate. It comes from the heart.

As I noted at the outset, 2011 will be the first year in recent memory that the number of women serving in the Senate has actually declined. All of the women of the Senate will miss our dear friend and highly respected colleague BLANCHE LINCOLN. BLANCHE LINCOLN made history in her own right when she became the youngest woman ever elected to the Senate at the age of 38. Senator LINCOLN represented the people of Arkansas with distinction for two terms, juggling a demanding career in public service while raising two wonderful twin boys Reece and Ben-

nett. She is truly a wonderful colleague to work with. A centrist who comfortably works across the aisle and votes her convictions. One of the kindest people in the Senate. I expect great things of BLANCHE LINCOLN in the future and I have every confidence she will deliver on that prediction.

It has been an honor and a pleasure to serve with each of the people who will leave this Chamber when we adjourn sine die. Each has made substantial contributions to their States, to the Nation and to the Senate during their time here.

DIESEL EMISSIONS REDUCTION ACT

Mr. CARPER. Mr. President, I am joined by my colleague, Senator VOINOVICH, in support of the passage of the Diesel Emissions Reduction Act of 2010, DERA. The folks of Ohio and Delaware sent us to Washington to find ideas that will work, ideas we can all agree on to make our country even better. An idea that works is the Diesel Emissions Reduction Act or DERA.

The DERA program is one of the best actions our government has taken to improve air quality and help States and localities meet air quality standards. First authorized in the Energy Policy Act of 2005, DERA has provided funding for the modernization of our Nation's old diesel fleet in the United States through voluntary national and State-level grant and loan programs. Since its enactment in 2005, DERA has provided significant public health benefits, improved our national energy security, and helped create jobs. Currently, DERA helps clean up more than 14,000 diesel-powered vehicles and equipment across the country, which has reduced emissions while employing thousands of workers who manufacture, sell or repair diesel vehicles and their components in each State.

The Environmental Protection Agency has estimated that there are still millions of older diesel engines now in use and need to be replaced or retrofitted. To meet this need, the Diesel Emissions Reduction Act of 2010 authorizes the continuation of this successful program for 2012 through 2016. It also slightly modifies the program to improve its effectiveness and administration. Despite the significant benefits and need for DERA, the legislation set the authorization levels for 2012 through 2016 at half the levels of that for 2007 through 2011. The authorizing levels were reduced to be more in line with what has been normally appropriated for the program. The cut in authorization levels in no way reflects the need for the program and in no way should be interpreted as an indication that funding levels should be decreased.

Senator VOINOVICH and I would like to thank the President and our colleagues for their support of DERA. We are proud that this commonsense approach to creating jobs and cleaning up our Nation's air will become law.

CONTINUING RESOLUTION

Mr. REED. Mr. President, I want to make a few observations about the continuing resolution and the appropriations process this year.

First, I want to commend Chairman INOUE for his leadership and efforts to accommodate the views and input of all senators in crafting the omnibus appropriations bill. He went a long way to meet the demands of the minority leader and other senators to include a \$29 billion cut from the budget level requested by the President. Indeed, I was deeply disappointed that the proposed omnibus would have eliminated the Leveraging Educational Assistance Program, LEAP. For more than a decade, I worked with states, educators, and others to reauthorize and fund this program, which uses Federal resources to leverage additional state aid to help low income students attend college. As much as I was dissatisfied by this outcome, I was prepared to vote for this bill because it is far superior to the inefficiencies and consequences of a continuing resolution. I am disappointed that such a significant compromise was blocked by the other side of the aisle.

Instead, we are being forced to adopt a short-term continuing resolution, CR, through March 4, 2011. With few exceptions, the CR provides no direction from Congress on how funds can be used, while at the same time failing to make critical adjustments and investments for certain programs and agencies. Critics of the omnibus appropriations bill should understand that unlike the thoughtful, lengthy, and open appropriations process that produced the omnibus, this CR was put together quickly without the input of most senators. As a result, it is hardly a thoughtful instrument for funding the government.

I am particularly concerned about the impact the CR will have on the capabilities of the Securities and Exchange Commission to provide robust oversight of financial markets.

Fair and orderly markets are critical to restoring confidence in the American economy. Despite considerable increases in the number of firms it is required to oversee and tremendous growth in the size and complexity of the securities markets and products it regulates, the SEC's workforce and technology investments are only now returning to the levels of five years ago.

Under the CR, the SEC will be funded at the fiscal year 2010 rate, which is nearly \$200 million less than what was included during bipartisan negotiations on the omnibus. Without the omnibus's funding level, the SEC will have to halt several technology projects and forgo replacement of departing staff. Short-changing the SEC will also make it extraordinarily difficult to fulfill new statutory requirements under the Dodd-Frank Wall Street Reform and Consumer Protection Act. The SEC has been tasked with helping establish an effective regulatory system for the pre-

viously unseen and largely unregulated over-the-counter derivatives market and the hedge fund markets. It has new responsibilities over credit rating agencies, including annual exams.

We should not make the past mistake of underfunding the SEC. This agency is critical to restoring the confidence of retirees and investors in the United States capital markets, so that they will again invest in American companies, helping inject new life into our economy. We should not be penny-wise and pound-foolish. Continuing to starve the SEC of the funds it needs to police markets will ultimately make it more likely to see a major fraud. Any incremental savings will be cold comfort for the losses incurred by taxpayers and investors.

Likewise, I believe we need to fully fund the Commodity Futures Trading Commission. At a hearing that Senator LEVIN and I held on December 8, 2010, Chairman Gensler informed us that his agency is going to be woefully short of resources. The continuing resolution for the CFTC will leave them about \$116 million short of the funding level included in the omnibus.

I hope that we will have chance to address these critical shortfalls in the next funding vehicle to come before the Senate.

While it is true that overall the 36-page CR did not provide sufficient direction and oversight, it is important to acknowledge that the CR does make a few adjustments—some that are essential and others which I believe deserved greater consideration.

I want to applaud the addition of language in the CR that requires the Department of Health and Human Services to obligate the same amount of funding for the Low Income Home Energy Assistance Program as it did during the same period last year. This will make a total of \$3.95 billion available to low-income families and individuals during the cold winter months. I hope that in the final appropriations bill we will meet the bipartisan request of 44 Senators to fully fund this program at the \$5.1 billion level for the entirety of fiscal year 2011.

I am also pleased that the CR addresses funding for the Pell grant. According to recent estimates from the Office of Management and Budget, students would have faced a reduction of as much as \$1,840 from the maximum grant. The CR will address the shortfall and ensure that we can maintain the Pell grant maximum at \$5,550. Despite the economic hardships families are facing, they continue to prioritize education. They know that it is the foundation for our economic recovery and future prosperity. We must keep our end of the bargain by maintaining our commitment to the Pell grant.

I am, however, concerned that the CR includes a provision to codify a misguided Bush-era regulation that undermines our central goal of ensuring that students in high poverty schools are taught by highly qualified teachers and

that parents know the qualifications of their children's teachers. Under the No Child Left Behind Act, enacted in 2002, a highly qualified teacher must have obtained full state certification, which may include certification obtained through alternative routes. The Bush administration published regulations allowing that a teacher who is merely enrolled in or making progress toward state certification to be deemed highly qualified. Parents in California have challenged the regulation in the courts and have won a favorable decision on appeal. Quite simply, they want to know whether their children's teachers are fully certified or just in the process of becoming certified. This provision prevents them from knowing that.

I am also deeply disappointed that this CR does not contain important language that would have allowed the Department of Defense to reprogram funds for new starts, increases in production, or other realignments. This provision would have given the Department further flexibility to ensure critical defense programs stay on schedule and on cost. This is especially important for the Navy's ship construction programs—programs that the Navy supports, were authorized by the Defense Authorization Act, and employ thousands of Rhode Islanders.

Without this provision, the Navy, and all of the services, will be further limited and constrained to execute programs within the funding levels set last year.

I have described some of the pitfalls with this CR. It is a crude instrument that has many shortcomings. Regrettably, the decision by our colleagues on the other side of the aisle to walk away from the omnibus placed the continued operation of government agencies from the Pentagon to the FBI to the FDA to the Treasury at risk. Adopting the CR, notwithstanding its significant flaws, is the only responsible option available. In the coming months, it is my hope that we can craft a full year funding measure that corrects the serious issues the CR has created and failed to address.

STORMWATER POLLUTION

Mr. CARDIN. Mr. President, today the Congress stands ready to approve S. 3481, a bill to clarify Federal responsibility to pay for stormwater pollution. This legislation, which will soon become law, requires the Federal government to pay localities for reasonable costs associated with the control and abatement of pollution that is originating on its properties. At stake is a fundamental issue of equity: polluters should be financially responsible for the pollution that they cause. That includes the Federal Government.

Annually hundreds of thousands of pounds of pollutants wash off the hardened surfaces in urban areas and into local rivers and streams, threatening the health of our citizens and causing significant environmental degradation.